

MARCUS JONES §  
v. § CIVIL ACTION NO. 6:08cv514  
DIRECTOR, TDCJ-CID §

The Petitioner Marcus Jones, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of the legality of his confinement. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Jones was convicted of retaliation on April 4, 2006, receiving a sentence of 15 years in prison and a \$5,000.00 fine. He took a direct appeal, but his conviction was affirmed, and he did not seek discretionary review. Jones also filed two state habeas corpus petitions, of which the first was dismissed because his direct appeal was still pending, and the second was dismissed without written order on the findings of the trial court.

The Respondent was ordered to answer Jones' federal petition and filed an answer asserting that the petition was barred by the statute of limitations. Jones did not file a response to the answer.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed because of the expiration of the statute of limitations. Jones received a copy of this Report on or before June 15, 2009, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and

legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge, and has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Marcus Jones is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**So ORDERED and SIGNED this 9th day of August, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**